





Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13<sup>th</sup> day of September, 1983, that the herein Petition for Variance(s) to permit a setback of 63 feet from the center of the street in lieu of the required 75 feet, is hereby GRANTED, from and after the date of this Order, subject to the terms, provisions, and conditions of the accompanying Special Hearing Order.

*John M.H. Jung*  
Deputy Zoning Commissioner of

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts

1. The petitioners herein seek to determine that the existing semi-detached house enjoys a nonconforming use and that the proposed addition is not governed by the requirements of Section 104 of the Baltimore County Zoning Regulations as long as the number of living units is not increased. The petitioners propose an addition to one of the living units.
2. The existing semi-detached house has been utilized for two families since 1926, and the ground floor area of the house is 1,070 square feet.
3. Section 104.1 specifies that "...no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 13<sup>th</sup> day of September, 1983, that a nonconforming use for the existing semi-detached house as a two-family dwelling has existed and has been conducted on the property since 1926 and, as such, should be and the same is hereby GRANTED the right to continue from and after the date of this Order and, FURTHER ORDERED, that the area of an addition is governed by the requirements of Section 104 of the Baltimore County Zoning Regulations even if the number of dwelling units is not increased and, therefore, shall be limited by the following restrictions:

1. The ground floor area of the addition shall not exceed 25% of the ground floor area of the existing nonconforming dwelling, i.e., 267.5 square feet.
2. The addition shall not encroach on the setback granted in the accompanying Variance Order.
3. Compliance with the comments submitted by the Health Department, dated May 17, 1983.
4. Any abandonment or discontinuance for a period of one year or more shall terminate the nonconforming use.
5. Damage by fire or other casualty of the improvement to the extent of 75% of its replacement cost at the time of such loss shall terminate the nonconforming use herein granted.
6. Approval of a site plan by the Office of Planning and Zoning.

*John M.H. Jung*  
Deputy Zoning Commissioner of  
Baltimore County

ORDER RECEIVED FOR FILING  
DATE September 13, 1983  
BY May Longenecker

## BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: April 11, 1983

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: April 12, 1983

RE: Item No: 206, 207, 208, 209, 210, 211, 212  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,  
*Nick Petrovich*  
Mr. Nick Petrovich, Assistant  
Department of Planning

MNP/bp

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

William E. Hammond  
TO: Zoning Commissioner  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
Zoning Petition No. 84-22-SPHA  
SUBJECT: Robert G. Opdyke, et ux

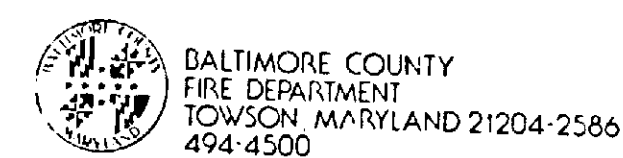
Date: July 1, 1983

There are no comprehensive planning factors requiring comment on this petition.

*Norman E. Gerber*  
Norman E. Gerber, Director  
Office of Planning and Zoning

NEG:JGH:slc

cc: Arlene January  
Shirley Hess



PAUL H. RENCKE  
CHIEF

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Robert G. & Eileen M. Opdyke

Location: SW/Cor. Franklinville Road and Reynolds Road

Item No.: 212

Zoning Agenda: Meeting of April 12, 1983

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.

- ( ) 2. A second means of vehicle access is required for the site.

- ( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

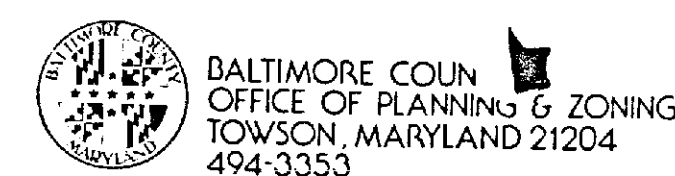
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- ( ) 6. Site plans are approved, as drawn.

- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Paul H. Rencke*  
Planning Bureau  
Special Inspection Division  
Fire Prevention Bureau

/mb



ARNOLD JADON  
ZONING COMMISSIONER

September 13, 1983

Mr. and Mrs. Robert George Opdyke  
11845 Franklinville Road  
Upper Falls, Maryland 21156

RE: Petition for Special Hearing  
and Variance  
SW/Corner of Franklinville  
and Reynolds Rds. - 11th Election  
District  
Robert G. Opdyke, et ux -  
Petitioners  
Case No. 84-22-SPHA (Item No. 212)

Dear Mr. and Mrs. Opdyke:

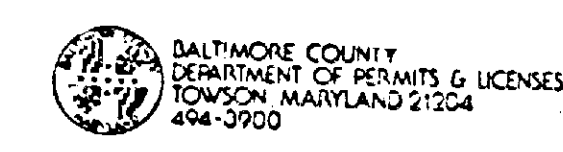
I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,  
*John M.H. Jung*  
JEAN M.H. JUNG  
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: John W. Hessian, III, Esquire  
People's Counsel



TED DAISHA JR.  
DIRECTOR

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 212 Zoning Advisory Committee Meeting April 12, 1983

Property Owner: Robert G. & Eileen M. Opdyke  
Location: SW/Cor. Franklinville Road and Reynolds Road  
Existing Zoning: S.C. 5  
Proposed Zoning: Variance to permit a setback of 63' from the center of the street in lieu of the required 75'.

Area: .618

District: 11th

The items checked below are applicable:

- ( ) A. All structures shall conform to the Baltimore County Building Code 1981/ Council Bill 14-2 and other applicable Codes.
- (X) B. A building and/or other miscellaneous permits shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistant construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 102, line 2, Section 1027 and Table 1022.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered - Maryland Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

I. Comments:

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

*Charles E. Burman*  
Charles E. Burman, Chief  
Plans Review

CSB:rj

FORM 01-82

June 22, 1983

Mr. & Mrs. Robert Opdyke  
11845 Franklinville Road  
Upper Falls, Maryland 21156

### NOTICE OF HEARING

Re: Petitions for Special Hearing and Variance  
SW/Cor. of Franklinville & Reynolds Rds.  
Robert G. Opdyke, et ux - Petitioners  
Case No. 84-22-SPHA

TIME: 10:00 A.M.

DATE: Tuesday, July 19, 1983

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 117398

DATE: 6/13/83 ACCOUNT: 201-615-000

AMOUNT: 35.00

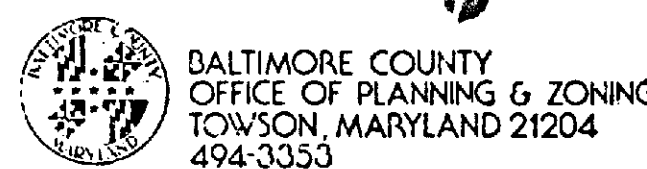
RECEIVED FROM: *Robert Opdyke*  
FOR: *Opdyke*  
6 0430000350010 8132A

VALIDATION OR SIGNATURE OF CASHIER

6 0140000350010 4012A

VALIDATION OR SIGNATURE OF CASHIER





WILLIAM E. HAMMOND  
ZONING COMMISSIONER

July 13, 1983

Mr. & Mrs. Robert Opdyke  
11845 Franklinville Road  
Upper Falls, Maryland 21156

Re: Petition for Special Hearing  
SW/corner Franklinville & Reynolds Rds.  
Case No. 84-22-SPHA

Dear Mr. & Mrs. Opdyke:

This is to advise you that \$65.37 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 119421

DATE 7/19/83 ACCOUNT R-01-615-000

AMOUNT \$65.37

RECEIVED FROM Robert Opdyke  
FOR Advertising & Posting Case #84-22-SPHA

021\*\*\*\*\*55J710 6192A

VALIDATION OR SIGNATURE OF CARRIER

### ZONING DESCRIPTION

Beginning on the southwest corner of Franklinville Road and Reynolds Road, thence the four following courses and distances: South 20° 40' East 174.85 feet  
South 70° 44' West 154.15 feet  
North 20° 40' West 174.85 feet  
North 70° 44' East 154.15 feet to the place of beginning. Containing .618 acres ±, in the 11th Election District.

### PETITION FOR SPECIAL HEARING AND VARIANCE

11th Election District

ZONING: Petition for Special Hearing and Variance  
LOCATION: Southwest corner of Franklinville and Reynolds Roads  
DATE & TIME: Tuesday, July 19, 1983 at 10:00 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a determination that the existing semi-detached house is a nonconforming use and to determine whether an addition to said structure is governed by the requirements of Section 104, if the number of living units is not increased; and Variance to permit a setback of 63 ft. from the center of the street in lieu of the required 75 ft.

The Zoning Regulation to be excepted as follows:  
Section 1A04.3.B.3 - distance of building to centerline of street in R.C. 5 zone

All that parcel of land in the Eleventh District of Baltimore County

Being the property of Robert G. Opdyke, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, July 19, 1983 at 10:00 A.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
WILLIAM E. HAMMOND  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Mr. William E. Hammond  
Zoning Commissioner  
Room 109, County Office Building  
Towson, Maryland 21204

RE: Case No. 84-22-SPHA  
Building Permit Application No.  
Election District

Dear Mr. Hammond:

We, the undersigned, being the owner of the above mentioned property and the applicant for the above referenced building permit, do hereby acknowledge that we are fully aware of your Order being subject to a thirty (30) day appeal period, but wish to go ahead with the permit application prior to the expiration of said appeal period.

We hereby relieve our builder, Baltimore County, Maryland, and you from any liability or responsibility for any consequences which might arise during the appeal period.

Very truly yours,

Robert Opdyke

WES:bec

### AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

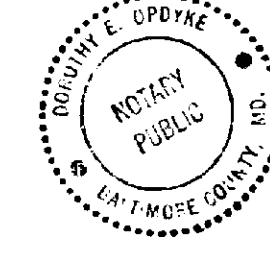
That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;

William F. Barton 6/15/83  
Affiant

I have personal knowledge that the home located at 11845 - 11847 Franklinville Road has been used as a two family dwelling since 1926 (month) (year)

(M.T. & E.S. Barton)  
This personal knowledge is based upon: the fact that my parents purchased this property August 3, 1926 from J & E. Nolan and has been continuously used as a two family dwelling. Prior to that it was a combination store and dwelling. I have lived in this village since 1921.

Shirley E. Opdyke  
Notary Public



PETITIONER'S  
EXHIBIT 1

### AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;

Beverly Appel  
Affiant

I have personal knowledge that the home located at 11845 - 11847 Franklinville Road has been used as a two family dwelling since 1932 (month) (year)

This personal knowledge is based upon: the fact that my sister and sister were born in this home, at that time Myrtle & Stanley Ray lived on the other side, also that Myrtle & Stanley Ray lived there next. At one time Mr. Utell lived there as a two family dwelling. Mr. Utell owned the home at that time. I have lived within this area for 5 years & have seen at least three families of the houses in Franklinville were separate houses.



Notary Public  
Kensville, Md. 21087  
July 1, 1986

### AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;

Francis M. Boyles  
Affiant

I have personal knowledge that the home located at 11845 - 11847 Franklinville Road has been used as a two family dwelling since 1935 (month) (year)

This personal knowledge is based upon: I the above have lived in Franklinville all of my life - started school with Ralph Belknap in 1935 and Stanley Ray was also in school at the same time.



Notary Public  
Kensville, Md. 21087  
July 1, 1986

### AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;

Howard W. Leedy  
Affiant

I have personal knowledge that the home located at 11845 - 11847 Franklinville Road has been used as a two family dwelling since 1921 (month) (year) to 1939 & subsequently

This personal knowledge is based upon: Living in Franklinville 31 years



Notary Public  
Kensville, Md. 21087  
July 1, 1986



# AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;

Harold S. Leidy  
Affiant

I have personal knowledge that the home located at 11845 - 11847 Franklinville Road has been used as a two family dwelling since 1932 (year) (month)

This personal knowledge is based upon: Living in the home from 37-1952. Highly and Leidy families.



Arthur J. Ruben  
Notary Public  
Baltimore, Md. 21087  
July 1, 1986

# AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;

Deeth E. Leidy  
Affiant

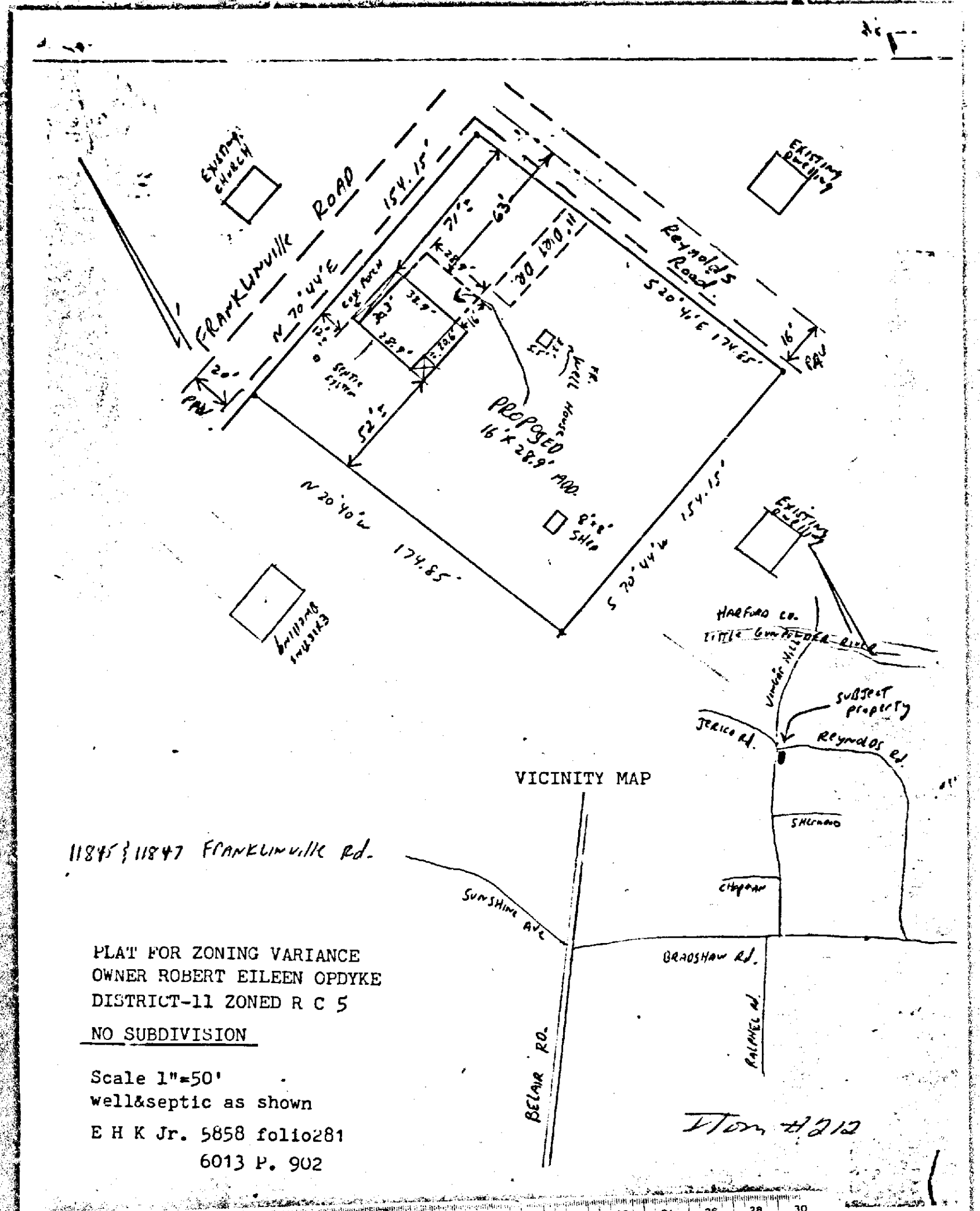
I have personal knowledge that the home located at 11845 - 11847 Franklinville Road has been used as a two family dwelling since Oct. 1927 (year) (month)

This personal knowledge is based upon: I and my family moved to the village of Franklinville and in Oct. 1927 the home located at 11845 - 11847 was at that time being used as a two family dwelling.

Notary Public

# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11 Date of Posting: 7/3/83  
Posted for: Petition for a Variance to Special Hearing  
Petitioner: Robert G. Opdyke, et ux  
Location of property: on E. Franklinville Rd.  
Location of Signs: front, side, rear of property  
Remarks: None Date of return: 7/9/83  
Posted by: David J. Coleman Signature  
Number of Signs: 2



PLAT FOR ZONING VARIANCE  
OWNER ROBERT EILEEN OPDYKE  
DISTRICT-11 ZONED R C 5  
NO SUBDIVISION  
Scale 1"=50'  
well & septic as shown  
E H K Jr. 5858 folio 281  
6013 P. 902

# Petition For Special Hearing And Variance

DISTRICT  
ZONING: Petition for  
Special Hearing and Variance

LOCATION: Southwest  
corner of Franklinville  
and Reisterstown Roads

DATE & TIME: Tues-  
day, July 19, 1983 at 10:00

PUBLIC HEARING:  
Room 106, County Office  
Building, 111 W. Chesapeake  
Avenue, Towson, Maryland

The Zoning Commission  
of Baltimore County, by authority of the  
Zoning Act and Regulations of Baltimore County,  
will hold a public hearing:  
Petition for Special  
Hearing under Section 10-7 of the Baltimore  
County Zoning Regulations, to determine whether  
or not the Zoning  
Commissioner and/or  
Deputy Zoning Commissioner should approve a  
determination that the  
existing semi-detached  
house is a nonconforming  
use and to determine  
whether an addition to  
said structure is governed  
by the requirements of  
Section 10-4, if the number  
of living units is not to  
be increased; and Variance to  
permit a setback of 60 ft.  
from the center of the  
street to line of the re-  
quired 75 ft.

The Zoning Regulations to be accepted as follows:  
Section 10-4.2.2 - distance  
of building to center  
of street in R.C. 5  
zone.

All that parcel of land in  
the Eleventh District of  
Baltimore County

Beginning on the south-  
west corner of Franklinville  
Road and Reisterstown  
Road, thence the four fol-  
lowing courses and dis-  
tances: South 20° 40' East  
174.41 feet; South 70°  
West 161.15 feet; North 20°  
40' West 174.41 feet; North  
70° 40' East 161.15 feet to  
the place of beginning.  
Containing 418 acres +/-,  
in the 11th Election Dis-  
trict.

Being the property of  
Robert G. Opdyke, et ux,  
as shown on plat filed  
with the Zoning Depart-  
ment.

Hearing Date: Tuesday,  
July 19, 1983 at 10:00 a.m.

Public Hearing Room  
106, County Office Build-  
ing, 111 W. Chesapeake  
Avenue, Towson, Maryland.

By Order Of  
William E. Hammond  
Zoning Commissioner  
Of Baltimore County

# The Times

Middle River, Md. June 30 19 83

This is to Certify, That the annexed

Petition

was inserted in The Times, a newspaper printed

and published in Baltimore County, once in each

of one successive

weeks before the 30th day of

June, 19 83

Charles H. Smith Publisher.

# CERTIFICATE OF PUBLICATION

TOWSON, MD. June 30, 19 83

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed

and published in Towson, Baltimore County, Md., once

of one time before the 15th

day of July, 19 83, the last publication

appearing on the 30th day of June

19 83.

THE JEFFERSONIAN  
S. Leidy Smith Manager.

Cost of Advertisement, \$ 24.50

Mr. & Mrs. Robert G. Opdyke  
11845 Franklinville Road  
Upper Falls, Md. 21156

# BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 15th day  
of June, 19 83

William E. Hammond  
Zoning Commissioner

Petitioner Robert G. Opdyke, et ux

Petitioner's Attorney

Reviewed by Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

